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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,311	12/31/2003	Chung-I Lee		1750
<div>25859      7590      01/25/2008</div> <div>WEI TE CHUNG</div> <div>FOXCONN INTERNATIONAL, INC.</div> <div>1650 MEMOREX DRIVE</div> <div>SANTA CLARA, CA 95050</div>				
			<div>EXAMINER</div> <div>DARNO, PATRICK A</div>	
			<div>ART UNIT</div> <div>2163</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE</div> <div>01/25/2008</div>	<div>DELIVERY MODE</div> <div>PAPER</div>

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/749,311

Applicant(s)

LEE ET AL.

Examiner

Patrick A. Darno

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. No new claims have been added. Claims 4-8 are canceled. Claims 1-3 are pending in this office action.

#### *Claim Rejections - 35 USC § 101*

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-3 rejected under 35 U.S.C. 101 because the claimed invention appears to be directed to non-statutory subject matter.

With respect to claim 1, the claim is directed to a system. However, the claims are not actually limited to any physical articles or objects. It appears that the Applicant is seeking to patent the particular programmed functionality of the components rather than the components themselves. Specifically the claim limitations of 'a data mining module...', 'a parameter obtaining module...', 'a querying sub-module...', 'a scanning sub-module...', 'an identifying sub-module...', and 'a marking sub-module...' all appear to be directed to software subroutines. Since the claim limitations are indeed directed to programmed functionality and not the components of an apparatus themselves, the claims remain rejected under 35 U.S.C. 101 because program code by itself does not fit into one of the four statutory categories of invention or one of the three judicial exceptions to patentable subject matter.

Favorable consideration would be given to a claim amendment which requires claim 1 to include hardware components so as to limit the claimed invention to a system comprising both hardware and software. Such an amendment should make clear that the software subroutines are

functionally and structurally interrelated to the hardware components, thereby allowing the programmed functionality to be realized.

Claims 2-3 are rejected under 35 U.S.C. 101 because the claims either inherit or contain the deficiencies of claim 1.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent

Application Publication Number 2006/0004731 issued to John C. Seibel et al. (hereinafter

“Seibel”).

**Claim 1:**

Seibel discloses a system for visually mining information, the system being programmed to mine data from a structured information report for analyzing (*Seibel: paragraph [0068] and paragraph [0069], lines 1-3 and paragraph [0035], lines 8-10 and paragraph [0049], lines 12-13*), and comprising:

a data mining module for mining data from the structured information report (*Seibel: paragraph [0068] and paragraph [0069], lines 1-3 and paragraph [0049], lines 12-13; The first two references show*

that the Seibel reference discloses data mining (text mining). The last two references show that the data which is mined can be 'structured data'.), the data mining module comprising:

a parameter obtaining sub-module for obtaining mining parameters and a scanning command (Seibel: paragraph [0071], lines 1-4 and paragraph [0071], lines 9-11 and paragraph [0071], lines 14-16; Note that the user is capable of setting parameters that influence the mining process. Since the user can set parameters (depth and frequency of crawling, newsgroup names and display format, mailing list names and addresses), surely there is some module in place to execute the text mining in accordance with these parameters.); and

a querying sub-module for querying data from the structured information report in accordance with the mining parameters (Seibel: paragraph [0112], lines 6-9); and a dynamic scanning module (Seibel: paragraph [0071]; The web crawler is the scanning module.) comprising:

a scanning sub-module for scanning the structured information report (Seibel: paragraph [0071] and paragraph [0035], lines 8-10; The web crawler is the scanning module.);

an identifying sub-module for identifying whether data stored in a field of the structured information report match the mining parameters (Seibel: paragraph [0038], lines 3-6 and paragraph [0071] and paragraph [0105], lines 3-5 and paragraph [0112], lines 6-9); and

a marking sub-module for marking an identified field of the structured information report with a designated mark (Seibel: paragraph [0019], lines 8-12 and paragraph [0074], lines 6-9; Note specifically 'key phrase highlighting based on...search criteria.' This is highlighting of search keys is equivalent to the Applicant's claimed 'marking an identified field of the structured information report with a designated mark.' See paragraph [0032], lines 10-12 of the Applicant's specification (US Application Publication Number 2004/0158552) and Applicant's Fig. 7.).

**Claim 2:**

Seibel discloses all the elements of claim 1, as noted above, and Seibel further discloses wherein the data mining module further comprises a parameter setting sub-module for generating an SQL (Structured Query Language) sentence in accordance with the mining parameters (*Seibel: paragraph [0051] and paragraph [0052]; Note that predefined queries are "parameterized" in order to extract specific data from desired data sources. Further note that a system running MS SQL server can implement the invention. Surely a query ran on a system using MS SQL server would be a SQL query statement.*).

**Claim 3:**

Seibel discloses all the elements of claim 1, as noted above, and Seibel further discloses wherein the scanning sub-module comprises a scanning needle for scanning each of the fields of the structured information report (*Seibel: paragraph [0071] and paragraph [0035], lines 8-10; The web crawler scans each document, structured or unstructured (Seibel: paragraph [0035], lines 8-10), in the desired data collection. At the very least, the web crawler scans each document from the beginning of the document to the end of the document while looking for data that matches the user's search parameters. During this 'scanning' process from the beginning of the document to the end of the document, the furthest location that the crawler has reached (the line between searched document portion and unsearched document portion) is the scanning needle.*).

***Response to Arguments***

**Examiner Notes:**

Applicant's arguments received 10/12/2007 are believed to be moot in light of the new grounds of rejection presented in the preceding office action.

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***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick A. Darno whose telephone number is (571) 272-0788. The examiner can normally be reached on Monday - Friday, 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Patrick A. Darno  
Examiner  
Art Unit 2163



PAD



WILSON LEE  
PRIMARY EXAMINER